

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARIA SAN JUANITA PEREA,

Defendant.

8:15CR341

ORDER

Defendant Maria San Juanita Perea appeared before the court on January 10, 2019 on a Petition for Offender Under Supervision [73]. The defendant was represented by Federal Public Defender David R. Stickman, and the United States was represented by Special Assistant U.S. Attorney Patrick C. McGee.

Through his counsel, the defendant waived her right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(b)(1). I find that the Petition alleges probable cause and that the defendant should be held to answer for a final dispositional hearing before Senior Judge Smith Camp.

The government moved for detention. Through counsel, the defendant declined to present any evidence on the issue of detention and otherwise waived a detention hearing. Since it is the defendant's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that she is neither a danger to the community nor a flight risk, the court finds the defendant has failed to carry her burden and that she should be detained pending a dispositional hearing before Senior Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Senior Judge Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on February 28, 2019 at 11:30 a.m. The defendant must be present in person.

2. The defendant, Maria San Juanita Perea, is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 11th day of January, 2019.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge